

### **REMARKS/ARGUMENTS**

These remarks are made in response to the final Office Action of August 10, 2007 (hereinafter Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Claims 1, 2, 5-12, and 15-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,263,064 to O'Neal, *et al.* (hereinafter O'Neal) in view of U.S. Patent No. 5,436,963 to Fitzpatrick, *et al.* (hereinafter Fitzpatrick). Claims 3, 4, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neal, in view of Fitzpatrick and further in view of U.S. Patent 6,631,186 to Adams, *et al.* (hereinafter Adams).

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended the independent claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

### **Amendments to the Claims**

Applicants have amended independent Claims 1 and 11 to emphasize certain aspects of the invention. In particular, Claims 1 and 11 have been amended to clarify that messages are categorized based on the nature of the message taking into consideration criteria, including the purpose of the communication and the identity of the sending party. It is now clear from claims 1 and 11 that the nature of the message (e.g., personal, business, or emergency) is different from the identify of the sending party. Claims 1 and

11 have also been amended to emphasize that the sending party has control as to how to further proceed with the first initiated communications link. Namely, the sending party interprets the received reception state data and instructs the communications system as to how to further process the first initiated communications link (see, for example, steps 320, 325, 330, 335 and 340 in Fig. 3).

The Amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced through the amendments.

### *Applicants' Invention*

It may be useful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. One embodiment of the invention, typified by independent Claim 1, is a method for facilitating message delivery and conferencing within a communications system.

The method can include registering a plurality of reception states that have been established by a receiving party. (See, e.g., Specification, p. 3, lines 3-8, and p. 6, lines 3-5; see also p. 7, line 8 – p. 8, line 4.) Each reception state can specify reception state data defining rules for establishing communications links with receiving party addresses for different categories of messages based on the nature of each message. The reception state data can be used to inform the sending party of a time at which the receiving party prefers to receive delivery of a message in a particular category, as well as the communication channel and the receiving party address through which the receiving party prefers to receive delivery of the message. The nature of each message is determined taking into consideration criteria including the purpose of the message and the identity of the sending party.

The method can include establishing a communication link via one or more communication channels, where at least one alternate communication channel different from a communication channel associated with a first initiated communications link

between a sending party and the receiving party is provided. (See, e.g., Specification, p. 7, lines 4-21; p. 8, line 22 – p. 9, line 2; see also p. 9, lines 21-28, and p. 11, lines 11-18.)

The method can further include initiating a first communications link by a sending party, identifying a receiving party address from the first initiated communications link, and based upon the identification and a category of the first initialized communications link, determining which reception state data specified by the plurality of reception states to present according to the receiving party address. So determined, the reception state data can then be presented to the sending party via the same communications channel of the first initiated communications link and in a format appropriate for the device establishing the first initiated communications link. (See, e.g., Specification, p. 8, line 22 - p. 9, line 2).

The method can still further include interpreting the received reception state data by the sending party, instructing the communications system how to process the first initiated communications link by the sending party, and processing the first initiated communications link based on the instructions from the sending party. (See, e.g., Fig. 3, steps 320, 325, 330, 335 and 340, and Specification, p. 12, line 19 - p. 13, line 1).

### **The Claims Define Over The Prior Art**

In the Office Action, independent Claims 1 and 11, as noted above, were each rejected as being unpatentable over O'Neal in view of Fitzpatrick. O'Neal discloses a "computer-implemented control center" that enables a subscriber who subscribes to a plurality of communication services to "customize" communication options within a unified messaging system. (See, e.g., Col. 4, lines 8-12; see also Abstract.)

Fitzpatrick discloses a processing system and method for handling incoming telephone calls according to a calendaring system. (See Abstract.) Adams discloses a system and method for implementing and accessing call forwarding services to enable a subscriber to review, schedule and modify call forwarding information. (See Abstract.)

In all of the cited references, completion of the communication or alternate routing is determined by the receiver/subscriber and, once alternate routing is set up, it cannot be overridden. In contrast, in the present invention, the sending party or the initiator has the ultimate control of the communication. He or she can decide how to further proceed with the communication, such as quitting, trying later, choosing an alternate routing, or continuing on the original path. (See, for example, steps 320, 325, 330, 335 and 340 in Fig. 3).

The Examiner has stated O'Neal fails to provide the categories as claimed. However, the Examiner has further stated that this is overcome by an obvious modification in view of the teachings of Adams. It is noted that in the present invention the messages are categorized based on the nature of the message taking into consideration criteria including the purpose of the message and the identity of the sending party. Therefore, the calls are not just screened based on the identities of the sending parties, but rather based on the nature (e.g., personal, business, or emergency) of the message.

Accordingly, O'Neal and Fitzpatrick and Adams, in combination with each other or any other reference of record, fail to disclose or suggest each and every feature recited in Claims 1 and 11. Applicants therefore respectfully submit that Claims 1 and 11 are allowable. Furthermore, Applicants respectfully submit that whereas the remaining claims each depend on Claim 1 or 11 while reciting additional features, the dependent claims are also allowable.

In addition, it is noted that the method of the present invention also allows for multiple parties conferencing at the same time (see, e.g., p.11, line 25 - p.12, line 8). These multiple parties can even use multiple media types simultaneously. These features are reflected in claims 9-10 and 19-20.

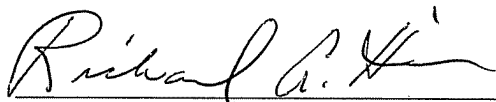
### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

The Examiner is respectfully requested to enter the amendment because claims 1 and 11 have only been amended to clarify certain aspects of the present invention which have already been discussed in the previous responses without introducing any new subject matter.

Respectfully submitted,

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